

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JESUS MIRAFUENTES-VALDEZ,

CASE NO. 4:23 CV 1289

Petitioner,

v.

JUDGE JAMES R. KNEPP II

WARDEN, FCI ELKTON,

Respondent.

**MEMORANDUM OPINION AND
ORDER**

This matter is before the Court on Magistrate Judge Thomas M. Parker's Report and Recommendation ("R&R") to grant Respondent's Motion to Dismiss, deny Petitioner Jesus Mirafuentes-Valdez's 28 U.S.C. § 2241 habeas corpus petition, and dismiss this action without prejudice. (Doc. 7).

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on January 29, 2024, and it is now February 29, 2024. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Parker's R&R, and agrees with the findings and

recommended rulings therein. Therefore, the Court ADOPTS Judge Parker's R&R (Doc. 7) as the Order of this Court, and DENIES and DISMISSES WITHOUT PREJUDICE Petitioner's Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE